UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,062	02/21/2007	Johann Baumgartner	037068.56908US	6305

23911 7590 02/27/2009

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER	
ARTHUR JEANGLAUD, GERTRUDE	
ART UNIT	PAPER NUMBER
3661	
MAIL DATE	DELIVERY MODE
02/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/556,062	BAUMGARTNER ET AL.	
	Examiner	Art Unit	
	GERTRUDE ARTHUR JEANGLAUD	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 December 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 November 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumgartner et al. (U.S. Patent No. 6,250,434) in view of Hagerty (U.S. Patent No. 5,452,262).

Regarding claim 1, Baumgartner et al. disclose control electronics integrated in a disc brake (1) for commercial vehicles, with the disc brake (1) having a brake caliper (2), which extends over a brake disc (3), and a pneumatic or electric motor-operated brake application device (See col. 2, lines 3-8), which is arranged in the brake caliper and serves to apply the brake, the control electronics, which serve to monitor brake-specific parameters and control brake components are connected to a power supply, Baumgartner et al. fail to specifically disclose a transceiver unit is provided in the control electronics and is operatively connected to at least one sensor. In an analogous art, Hagerty discloses a radio telemetry for long range communication and also used in control electronics wherein it discloses a transceiver unit (320) as shown in Fig. 2 is provided in the control electronics and is operatively connected to at least one sensor (390) which does not belong to the brake and is part of or close to a wheel associated

with the disc brake; Hagerty also discloses a power supply (3806) as shown in Fig. 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Baumgartner et al. with that of Hagerty by having a transceiver unit is provided in the control electronics and is operatively connected to at least one sensor in order to sense transmitting and receiving data.

Regarding claims 2, 16, Baumgartner et al. disclose the at least one sensor (390) is provided with its own power supply (3806) in the control electronics as shown in Fig.2.

Regarding claims 3, 19, Baumgartner et al. disclose all but fail to specifically disclose the transceiver unit and the sensor are operable by a telemetry system. In an analogous art, Hagerty discloses the transceiver unit and the sensor are operable by a telemetry system (See col. 1, lines 13-19).

Regarding claims 4-5, 9-10, 20, Hagerty discloses the control electronics further comprising a plurality of sensors (390, 392), each sensor having an associated transceiver unit (320, 21) in the control electronics; wherein all of the sensors which are part of or close to the wheel are operatively connected to a single transceiver unit.

Regarding claims 6, 11-12, Hagerty discloses the sensors as discussed wherein one of ordinary skill in the art at the time of the invention would recognize that signals emitted by individual sensors are addressed or coded so that they are distinguishable by the transceiver unit (See range of modulating signals; col. 4, lines 42-65).

Regarding claims 7, 13, Hagerty discloses the control electronics (32) as shown in Fig. 2 wherein one would consider to have the at least one transceiver unit is mounted on a printed circuit board of existing control electronics of the brake.

Regarding claims 8, 14-15, Hagerty discloses the transceiver as discussed and the sensor wherein one of ordinary skill in the art at the time of the invention would have the transceiver unit positioned in such a way that sensor signals are receivable without interference for good communication purposes.

Regarding claim 17, Baumgartner et al. disclose a control assembly for a vehicle brake, the control assembly comprising: control electronics integratable into the brake, the control electronics being operatively configured to monitor brake-specific parameters and to control braking components; (See col. 1, col. 2, lines 3-8); However, Baumgartner et al. fail to specifically disclose a power supply coupled to the control electronics; nor a transceiver unit arranged in and forming a part of the control electronics integratable in the brake; and at least one sensor external to the brake and pertaining to a wheel or being configured in approximate vicinity of the wheel, wherein the transceiver unit is operatively configured for actively communicating with the sensor. In an analogous art, Hagerty discloses disclose a power supply (3806) as shown in Fig. 2 coupled to the control electronics; a transceiver unit (320) arranged in and forming a part of the control electronics integratable in the brake; and at least one sensor (390) external to the brake and pertaining to a wheel or being configured in approximate vicinity of the wheel, wherein the transceiver unit is operatively configured for actively communicating with the sensor. . It would have been obvious to one of ordinary skill in

the art at the time of the invention to modify the system of Baumgartner et al. with that of Hagerty by having a transceiver unit is provided in the control electronics and is operatively connected to at least one sensor in order to sense transmitting and receiving data.

Regarding claim 18, Hagerty discloses the at least one sensor has a battery power supply (3806) as shown in Fig.2.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERTRUDE ARTHUR JEANGLAUD whose telephone number is (571)272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gertrude Arthur-Jeanglaude/
Primary Examiner, Art Unit 3661